

289
Distr.
LIMITED

E/CN.4/1994/L.31
25 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Angola, Burundi*, Cameroon, Côte d'Ivoire*, Ethiopia*, Gabon, Ghana*,
Kenya, Lesotho, Liberia*, Madagascar*, Malawi, Mauritania, Mauritius,
Morocco*, Nigeria, Rwanda*, Senegal*, Sudan, Swaziland*, Togo, Tunisia,
United Republic of Tanzania*, Zambia* and Zimbabwe*: draft resolution

Assistance in the field of the administration of justice and human rights
The Commission on Human Rights,

Recalling its resolution 1993/32 of 5 March 1993 and resolution 1993/41 of
5 March 1993 in which, inter alia, it stressed the desirability of providing
States, at their request, with continued assistance in the field of the
administration of justice,

Mindful of the recommendations relating to the administration of justice and
human rights contained in the Tunis Declaration (A/CONF.157/AFRM/14) adopted by
African States at the Regional Meeting for Africa of the World Conference on
Human Rights,

Mindful also of the recommendations relating to human rights in the
administration of justice contained in the Vienna Declaration and Programme of
Action (A/CONF.157/23) adopted by the World Conference on Human Rights, held at
Vienna from 14-25 June 1993,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the
functional commissions of the Economic and Social Council

Welcoming General Assembly resolution 48/137 of 20 December 1993 entitled "Human rights in the administration of justice",

Noting with satisfaction the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/78 and Corr.1 and Add.1),

Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

Bearing in mind that the validity and universality of human rights must be promoted and protected by all,

Reaffirming the primary responsibility of all Governments to ensure respect and protection for human rights and fundamental freedoms,

Aware that the historical, cultural and traditional contexts should allow each society to develop its own national and regional mechanisms to ensure the promotion and protection of human rights,

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

1. Emphasizes that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;
2. Reaffirms the standards set forth in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;
3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;
4. Commends the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights notwithstanding the limited financial and material resources at their disposal;
5. Urges Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more

human and material resources to them to enable them to contribute more efficiently to the promotion and protection of human rights;

6. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

7. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of, inter alia, legal aid services and for the general improvement of the judicial and penal infrastructures with a view to ensuring the promotion and protection of human rights in Africa and other developing countries;

8. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

9. Commends those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical assistance in the field of human rights, and appeals to them to consider increasing their assistance;

10. Urges the Secretary-General to consider favourably applications for assistance made by African States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical assistance in the field of human rights;

11. Encourages the Governments of African and other developing countries to avail themselves of the United Nations programme of advisory services and technical assistance in the field of human rights, particularly with a view to strengthening national institutions concerned with the administration of justice;

12. Requests the Secretary-General to report to the Commission at its fifty-first session on the provision of technical assistance and advisory

services in the field of the administration of justice to Governments desiring to improve their protection and promotion of human rights.
